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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,009	08/06/2003	John F. Carver	1823.0740001	7596

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STERNE, KESSLER, GOLDSTEIN & FOX PLLC
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

CHAWAN, SHEELA C

ART UNIT	PAPER NUMBER
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2624

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/28/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/635,009

Applicant(s)

CARVER ET AL.

Examiner

Sheela C. Chawan

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,6 and 7 is/are rejected.
- 7) ☒ Claim(s) 3 and 5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 4/5/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on 12/01/06 has been entered and made of record.
Claims 8-11 are cancelled.
Claims 1- 7 are pending in the application.

Election/Restrictions

2. Applicant's amendment filed on 12/01/06 have been entered and made of record.
Applicant's has elected Species I, claims 1-7 without traverse filed on 12/01/06 is acknowledge.

Drawings

3. The Examiner has approved drawings filed on 4/5/04.

Information Disclosure Statement

4. The information disclosure statement (IDS) submitted on 4/05/04, the examiner has considered.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an

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application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2, 4, 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sartor (US. 6,175,407 B1, Listed in IDS filed on 4/5/04).

As to claim 1, Sartor discloses a print scanner (column 2, lines 31-32), comprising:

a rotatable prism (fig 2A, contact surface 14 corresponds to rotatable prism, (column 3, lines 8-17), having a curved platen surface for receiving a print pattern (column 1, lines 53-61, column 2, lines 31-32);

an imaging assembly (fig 2A, 14) for capturing line scan images of the print pattern as said rotatable prism rotates (fig 2A, 30, column 6, lines 55-62) relative to said imaging assembly during a live scan (column 3, lines 32-34, column 4, lines 57-60).

As to claim 2, Sartor discloses the print scanner of claim 1, wherein said rotatable prism comprises a cylindrical prism, and said curved platen surface is cylindrical (column 3, lines 63-67, column 4, lines 1-7).

As to claim 4, Sartor discloses the print scanner of claim 3, wherein said imaging assembly includes: an illumination source positioned at least partly within said first tapered side face region to provide light to illuminate the print pattern on at least a portion of said cylindrical platen surface (fig 2A, 34, illumination source).

As to claim 6, Sartor discloses the print scanner of claim 5, further comprising a motion control (fig 5, 102) system that provides a force to reduce the rotational speed of said cylindrical prism during a live scan (column 1, lines 62-67).

As to claim 7, Sartor the printer scanner of claim 6, wherein said motion control system includes a shaft encoder and a drive motor (column 1, lines 62-67).

Allowable Subject Matter

6. Claims 3 and 5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Other prior art cited

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Magome et al., (US.5,734,478) discloses projection exposure apparatus.

Ritter et al., (US.4,779,944) discloses integrated laser beam scanning system.

Feinleib et al., (US.4,399,356) discloses optical wavefront sensing system.

Borza et al., (US.5,991,431) discloses mouse adapted to scan biometric data.

Thoms (US. 2003/0202636A1) discloses device for reading flexible storage foils.

Contact Information

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheela C Chawan whose telephone number is. 571-272-7446. The examiner can normally be reached on Monday - Thursday 7.30 - 5.00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella reached on 571-272-7778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sheela Chawan
Patent Examiner
Group Art Unit 2623
Dec 13, 2006


SHEELA CHAWAN
PRIMARY EXAMINER